

REMARKS

Reconsideration of the allowability of the present application in view of the above amendments and the following remarks is requested respectfully.

Status of the Claims

Claims 8, 9, 11, 13, 14, 20, and 22 have been amended. Claims 37 to 39 have been added. No claims have been cancelled. Accordingly, there is presented for the Examiner's consideration Claims 8 to 39, Claim 9 having been allowed. Of the remaining claims, Claims 11 to 15, 22, and 23 have been rejected under Section 112 and Claims 8, 24 to 26, 31, and 35 have been rejected under Section 102.

Discussion of the Amendments

Claim 8 has been amended to define the molecule which is capable of being transported across a biological membrane as being one having a molecular weight of 350 Daltons or more. Support for this amendment is found in the application at page 8, lines 14 and 15.

Claims 11 and 22 have been amended to better clarify that the compounds being reacted are: (A) a compound comprising the molecule which is capable of being transported across a biological membrane and a reactive group; and (B) a compound comprising the aryl radical. Support for this is found in the application at, for example, Examples 3 to 5 of the application. Claims 13 and 14 have been amended to be consistent with Claim 11, from which they depend.

The amendment to Claim 20 is editorial in nature.

Claims 37 to 39 were added to more particularly define applicants' invention. Support for these claims is in Claims 24 to 26.

An amendment of an editorial nature has been made to Claim 9.

No new matter has been added.

Discussion of the Examiner's Section 102(b) Rejection

The Examiner has rejected Claims 8, 24 to 26, 31, and 35 under Section 102(b) as being anticipated by the disclosure of Chen et al., *Macromolecules*, 23: 5044-5058 (1990). In support of his rejection, the Examiner has cited specifically compound (i) of Table I of Chen et al. as being a conjugate of applicants' claimed invention. The structure of this compound includes: (A) R<sup>1</sup> which is defined as - (CH<sub>2</sub>)<sub>5</sub>-O-C(O)-C(CH<sub>3</sub>)=CH<sub>2</sub>-; (B) X and Y which are defined as O; (C) a phenyl group; and (D) R<sup>3</sup> which is defined as a carbonyl group. According to the Examiner, the remainder of compound (i) is a molecule to be transported.

It is submitted respectfully that the above rejection has been overcome by the present amendment to independent Claim 8, on which rejected Claims 31 and 35 and 24 to 26 depend. Claim 8 now defines the molecule to be transported as having a molecular weight of 350 Daltons or more. The portion of compound (i) which the Examiner cites as being a molecule to be transported has a molecular weight of less than 350 Daltons.

Discussion of the Examiner's Section 112, Second Paragraph, Rejection

The Examiner has rejected Claims 11 to 15, 22, and 23 under Section 112, second paragraph. According to the Examiner, the phrase "said molecule which comprises a reactive group at the position to which the aryl radical is to be attached" has no antecedent basis and the claims are, therefore, indefinite.

The Examiner's rejection has been overcome by the above amendment to Claim 11, from which Claims 12 to 15 depend, and Claim 22, from which Claim 23 depends. The amendment clarifies that "said molecule" refers to the molecule referred to in Claims 8 and 9 which is capable of being transported across a biological membrane.

Given the above, applicants submit respectfully that the Examiner's §112 rejection has been overcome and request that it be withdrawn.

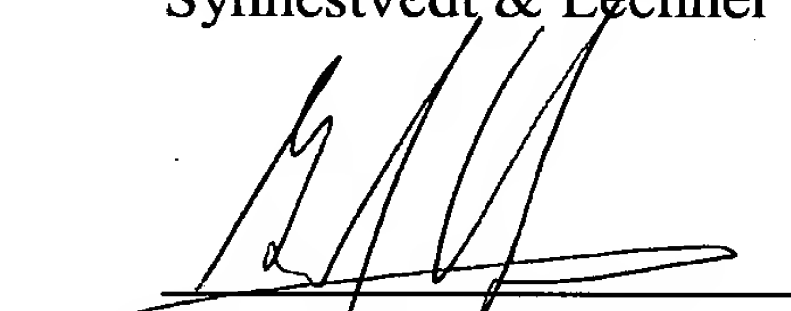
SYNNESTVEDT & LECHNER LLP  
Application No. 09/627,787  
Attorney Docket No. P 30,614 USA

Art Unit 1635  
Examiner R. Schnizer

Conclusion

In view of the foregoing, applicants request respectfully that the Examiner withdraw his rejections and objections to the claims and issue an early and favorable Action.

Submitted respectfully,  
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